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Sec. Twp. Range

**ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING**

RECEIVED
2003-327
NOV 4 - 2003

ZONING HEARING
MIAMI-DADE PLANNING AND ZONING DEPT.
BY [Signature]

LIST ALL FOLIO #S: 30-6006-001-1400

Date Received

- 1. NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

QUAIL ROOST ASSOCIATES T-MOBILE
T-Mobile

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 8100 SW 10th STREET Suite 1000
City: PLANTATION State: FL Zip: 33324 Phone#: 954-693-7149

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): QUAIL ROOST ASSOCIATES
Mailing Address: 1575 SAN IGNACIO AVENUE Suite 100
City: CORAL GABLES State: FL Zip: 33146 Phone#: 305-661-0110

4. CONTACT PERSON'S INFORMATION:

Name: MICHAEL MEJIDO Company: T-Mobile
Mailing Address: 8100 SW 10th STREET Suite 1000
City: PLANTATION State: FL Zip: 33324
Phone#: 954-693-7149 Fax#: 954-693-7200 E-mail: MIKE.MEJIDO@T-Mobile.COM

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets, as needed).

Exhibit A

EXHIBIT "A"LEGAL DESCRIPTION

The south half of Block 15 and all of Blocks 16, 17, 18 and 19, NEW SOUTH MIAMI HEIGHTS, according to the Dade County Resolution No. 7779 and according to the Plat thereof recorded in Plat Book 46, at Page 83 and according to the plat of ADDITION "H" SOUTH MIAMI HEIGHTS as recorded in Plat Book 23, Page 73, and a portion of each of S.W. 188th Street, S.W. 188th Terrace and S.W. 190th Terrace according to Dade County Resolution Nos. 8438 and No. 8759, being more particularly described as follows:

Commence at a point on the westerly line of Section 6, Township 56 South, Range 40 east, Dade County, Florida, said point being 1443.29 feet south of the northwest corner of said Section 6; thence run S 89°57'29" E 35 feet to the northwest corner of the South half of said Block 15, said corner being the point of beginning of the parcel of land hereinafter described; Thence run S 89°57'29" E 619.47 feet along the northerly line of the south ½ of said Block 15 to the northeast corner of the south ¼ of said Block 15; thence run S 0°02'23" W 140.74 feet along the easterly line of said block 15 and its southerly extension to the point of intersection with the northwesterly extension of the northeasterly line of said Block 17; thence run S 38°55'15" E 183.25 feet along the northwesterly extension of the northeasterly line of said Block 17 and along the northeasterly line of said Block 17 to the point of curvature of a curve to the right having a radius of 25 feet; thence run southerly 39.27 feet along the arc of said curve to the right having a central angle of 90°00'00" to the point of tangency; thence run S 51°04'45" W 759.36 feet along the southeasterly lines of said Blocks 17 and 19 to the point of curvature of a curve to the right having a radius of 25 feet; thence run westerly 39.27 feet along the arc of said curve to the right through a central angle of 90°00'00" to the point of tangency; thence run N 38°55'15" W 166.82 feet along the southwesterly line of said Block 19 to the point of intersection with the southerly extension of the westerly line of said Block 18; thence run north 662.46 feet along the southerly extension of the westerly line of said Block 18 and along the Westerly line of said Block 18 and along the northerly extension of the westerly line of said Block 18 and along the southerly extension of the westerly line of said block 16 and along the northerly extension of the westerly line of said Block 16 and along the southerly extension of the westerly line of said Block 15 and along the westerly line of said Block 15 to the point of beginning.

LESS AND EXCEPT the following described Parcel "A"

(Continued)

PARCEL A

A portion of Lots 1 and 6 and all of Lot 7, Block 17 of NEW SOUTH MIAMI HEIGHTS, according to Dade County Resolution No. 7779, recorded in Deed Book 4053 at Page 531 and according to the Plat thereof recorded in Plat Book 46, at Page 83 of the Public Records of Dade County, Florida, and also a portion of Lots 1 through 4, both inclusive and all of Lots 27 and 28, Block 17, of Addition "H" SOUTH MIAMI HEIGHTS as recorded in Plat Book 23, at Page 73 of the Public Records of Dade County, Florida, being particularly described as follows:

Commence at the northwest corner of Section 6, Township 56 South, Range 40 East; thence on a bearing of South along the West line of Said Section 6 for 1443.29 feet to a point; thence south $89^{\circ}57'29''$ east for 35.00 feet to a point on the east right-of-way line of S.W. 117th Avenue as shown on said Plat of NEW SOUTH MIAMI HEIGHTS; thence on a bearing of south along said east right-of-way line for 662.46 feet to a point of intersection with the projection of the northeasterly right-of-way of S.W. 189th Street, thence run south $38^{\circ}55'15''$ east along said northeasterly right-of-way line for 191.82 feet to a point of intersection with the southwesterly projection of the northwesterly right-of-way line of Quail Roost Drive as shown on said plat of NEW SOUTH MIAMI HEIGHTS; thence run north $51^{\circ}04'45''$ east along the southwesterly projection of the northwesterly right-of-way boundary and the northwesterly right-of-way boundary of said Quail Roost Drive for a distance of 644.50 feet to the point of beginning of the parcel of land hereinafter to be described; thence run north $38^{\circ}55'15''$ west for a distance of 61.00 feet to a point; thence run north $51^{\circ}04'45''$ east for a distance of 12.00 feet to a point; thence run north $38^{\circ}55'15''$ west for a distance of 46.50 feet to a point; thence run north $51^{\circ}04'45''$ east along a line 107.50 feet northwesterly of and parallel to said northwesterly right-of-way line of Quail Roost Drive for a distance of 152.86 feet to the point of intersection with the southwesterly right-of-way boundary of S.W. 188th Street as shown on said Plat of NEW SOUTH MIAMI HEIGHTS; thence run south $38^{\circ}55'15''$ east along the last described line for a distance of 82.50 feet to the point of curvature of a curve, concave to the west, having a radius of 25.00 feet; thence run southeasterly, southerly and southwesterly along the arc of said curve, through a central angle of $90^{\circ}00'00''$ for a distance of 39.27 feet to a point of tangency, said point being the northwesterly right-of-way boundary of said Quail Roost Drive; thence run south $51^{\circ}04'45''$ west along the last described line for a distance of 139.86 feet to the point of beginning.

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA.
RECORD VERIFIED

HARVEY RUVIN,
Clerk of Circuit & County
Courts

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

11660 QUAIL ROOST DR. MIAMI FL 33157

7. SIZE OF PROPERTY (in acres): 8.67 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property ☐ acquired ☐ leased: _____ 9. Lease term: _____ years
(month & year)

10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide complete legal description of said contiguous property.

11. Is there an option to purchase ☐ or lease ☐ the subject property or property contiguous thereto?
☐ no ☐ yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: BU-2

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)
(DBC's require special exception to permit site plan approval unless rezoning 3 acres or less to residential categories)

- ☐ District Boundary Changes (DBC) [Zone class requested]: _____
- ☒ Unusual Use: COMMUNICATION TOWER (FLAG POLE)
- ☐ Use Variance: _____
- ☐ Alternative Site Development: _____
- ☐ Special Exception: _____
- ☐ Modification of previous resolution/plan: _____
- ☐ Modification of Declaration or Covenant: _____

14. Has a public hearing been held on this property within the last year & a half? ☒ no ☐ yes.
If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

15. Is this hearing is as a result of a violation notice? ☒ no ☐ yes. If yes, give name to whom the violation notice was served: _____ and describe the violation:

16. Describe structures on the property: _____

17. Is there any existing use on the property? ☐ no ☒ yes. If yes, what use and when established?

Use: _____ Year: _____

APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Signature

Signature

Sworn to and subscribed to before me
this ____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

CORPORATION AFFIDAVIT

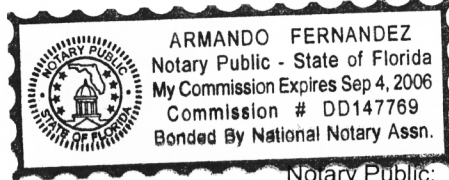
(I)(WE), Patrick Monroe, being first duly sworn, depose and say that (I am)(we are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Armando Fernandez
Authorized Signature

Director Engineering & operation
Office Held

(Corp. Seal)



Sworn to and subscribed to before me
this 21 day of October, 2003.

Notary Public: Armando Fernandez
Commission Expires: Sept 4, 06

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ %
By _____ %

(Name of Partnership)
By _____ %
By _____ %

Sworn to and subscribed to before me
this ____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature

Sworn to and subscribed to before me

Notary Public: _____

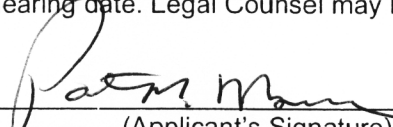
this ____ day of _____, _____.

Commission Expires: _____

RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

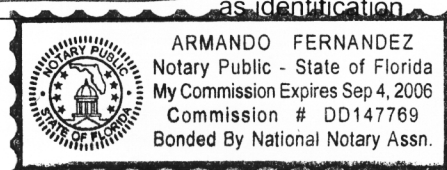
1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use and Occupancy must be obtained for the use of the property after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or of Use and Occupancy will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Office is seeking further review. In the interim, the County Attorney's Office is working with the Planning and Zoning Department's professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed..
6. Any covenant to be proffered must be submitted to the Department's Legal Counsel, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. And that Legal Counsel can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date. Legal Counsel may be reached at (305) 375-3075


(Applicant's Signature)

Patrick Monave
(Print Name)

Sworn to and subscribed before me this 21 day of October, 2003 Affiant is personally known to me or has produced _____ as identification.


(Notary Public)
My commission expires Sept 4, 2003



P.H. # _____

Owner's Sworn-to-Consent
Permitting Tenant to File for a Hearing

~~(Corporation)~~

(Partnership)

On behalf of Quail Roost Associates Partnership, a Florida (state)
~~corporation, partnership, Ralph Sheppard~~ being first duly sworn, deposes and says that as
partner the ~~President Vice President, or CEO (circle one)~~ of the aforesaid ~~Corporation~~, which is the Owner of
the property legally described below and which is the subject property of the proposed hearing, does
hereby grant consent to Omnipoint Holdings (T-Mobile) as Tenant to file this application for
a public hearing.

Legal Description:

See exhibit "A"

Witnesses:

Signature

Print Name

Signature

Print Name

Quail Roost Associates Partnership by

Name of ~~Corporation~~ Quail Heights Plaza, Inc.

Address: its General Partner

1575 San Ignacio Avenue, S.100

Coral Gables, FL. 33146

By

President, Vice President or CEO* (circle one)

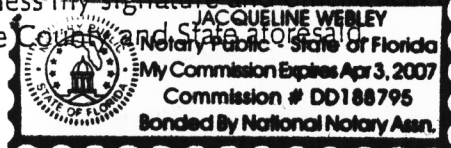
[*Note: All others require attachment of original
corporate resolution of authorization]

STATE OF Florida

COUNTY OF Dade County

The foregoing instrument was acknowledged before me by Partnership
Ralph Sheppard, of Quail Roost Associates ~~corporation~~, on behalf of
the ~~corporation~~. He/She is personally known to me or has produced
partnership, as identification.

Witness my signature and official seal this 4th day of September,
2003, in the County and State aforesaid.



My Commission Expires: April 3, 2007

Notary Public-State of Florida

Jacqueline Webley
Print Name

OWNERSHIP AFFIDAVIT
FOR
CORPORATION
PARTNERSHIP

STATE OF Florida

Public Hearing No. _____

COUNTY OF Miami Dade

Before me, the undersigned authority, personally appeared Ralph Sheppard,
hereinafter the Affiant(s), who being first duly sworn by me,
on oath, deposes and says:

1. Affiant is the ~~president, vice president or CEO~~ ^{partner} of the Quail Roost Associates
Partnership Corporation, with the following address:
1575 San Ignacio Avenue, Suite 100, Coral Gables, FL. 33146
2. The ~~Corporation~~ ^{Partnership} owns the property, which is the subject of the proposed hearing.
3. The subject property is legally described as:
see "Exhibit A"
4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

J. Ziegler
Signature

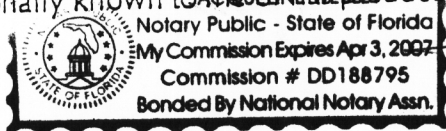
J. Ziegler
Print Name

Lona W. Lencer
Signature
Lona W. Lencer
Print Name

Ralph Sheppard
Affiant's signature

Ralph Sheppard, for Quail Heights
Print Name Plaza, Inc. its General Partner

Sworn to and subscribed before me on the 18 day of September, 2003.
Affiant is personally known to me and produced as
identification.



Jocelyn W. [Signature]
Notary Public, State of FLORIDA

My Commission Expires: April 3 2007

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: T MOBILE

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>TRADED NY STOCK EX</u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

If a **TRUST or ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME:

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: Quail Roost Associates Partnership

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
<u>Quail WD, Ltd. - Ralph Sheppard & Eva Sheppard</u>	<u>58.5%</u>
<u>1575 San Ignacio Ave, S.100, Coral Gables, FL. 33146</u>	<u></u>
<u>Baumgard Real Estate & Management Co. - Daniel Baumgard</u>	<u>10.5%</u>
<u>1575 San Ignacio Ave, S.100, Coral Gables, FL. 33146</u>	<u></u>
<u>Gross Investors Inc. - Howard Gross</u>	<u>30.0%</u>
<u>9000 SW 87 Ct. S. 103, Miami, FL. 33176</u>	<u></u>
<u>Quail Heights Plaza, Inc. - Ralph & Eva Sheppard</u>	<u>1.0%</u>

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

If any contingency clause or contract terms involve additional parties; list all individuals or officers, if a corporation, partnership or trust:

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

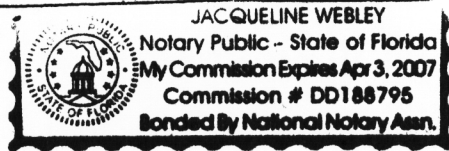
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: _____

Ralph Sheppard for (Applicant)
Quail Roost Associates Partnership by Quail Heights Plaza, Inc.

Sworn to and subscribed before me this 4 day of September 2003. Affiant is personally known to me or has produced _____ as identification.

Jacqueline Webley
(Notary Public)



My commission expires April 3 2007

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: T-Mobile

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Publicly TRADED.</u>	

If a **TRUST or ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

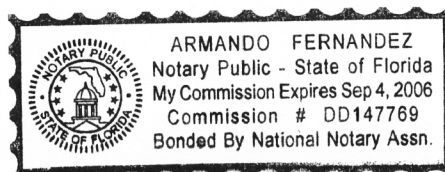
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: Patricia Mann
(Applicant)

Sworn to and subscribed before me this 21 day of October, 2003 Affiant is personally known to me or has produced _____ as identification.

Armando Fernandez
(Notary Public)



My commission expires Sept. 4, 2003

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.